
Publish Date:

6/11/13

WQC number: 892-8009-WQC-1

Public Notice

Closing Date:

7/10/13

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Environmental and Public Protection Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Western Kentucky Minerals
Mailing Address: 6133 US Hwy 60 East, Owensboro, KY 42303
Contact Person: Timothy Rhye
Telephone No: (270) 779-3787
E Mail Address: trhye@bellsouth.net

2. **Consultant Name & Address:** T.H.E. Engineers, Inc., c/o Keith Crim, P.E.;
2331 Fortune Drive, Lexington, KY 40509

Telephone No. (859) 263-0009
E Mail Address: keith@theengrs.com

3. **Provide a brief description of the proposed activity and stream impact.**
The development of a 34.1 acre coal processing facility and haulroad (KDNR #892-S009). The operation impacts 123 feet of intermittent and 1312 feet of ephemeral stream. Additionally, there are impacts to 0.324 acres of wetlands and 3.207 acres of open waters.

4. **Project Location Information:**

County: Daviess & Ohio; **USGS Quadrangle Name:** Utica

Nearest Community & Road Intersection: Pleasant Ridge (US231 & Bolings Road)

Latitude N37-34-54 **Longitude** W87-00-16 (Approximate center of the project area)

5. **List the names of all streams affected by the proposed project:** UT's to North Fork Barnett Creek.

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

Each watershed is listed in the "Stream Habitat Assessment and Wetland Delineation Report". The largest watershed affected is 512 acres (intermittent stream I-2US for a culvert road crossing).

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

See the "Stream Habitat Assessment and Wetland Delineation Report" for a list of each impacted stream (the total impacts are: 123 feet of intermittent and 1312 feet of ephemeral). Several impacts are temporary; however, on-site mitigation proposed during reclamation for all impacts.

8. Provide the acreage of wetlands that would be impacted: 0.324 ac
9. Beginning at the nearest intersection of two public roads, provide directions to the project site: From Hartford (Ohio Co.), travel north on US231 for approximately 10 miles to the intersection with Boling Road on the left. Turn onto Boling Road and travel 0.8 miles; the site on the right-hand side.
10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes X No _____. If yes, indicate type of application:
- NW 12 ____ NW 14 ____ NW 21 ____ NW 27 ____ NW 49 ____
NW 50 ____ Individual X Other _____
11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 892-8009, KPDES No. _____
12. The following attachments must be provided:


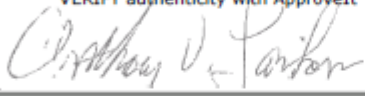
- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

Stream Habitat Assessment and Wetland Delineation Report, Pre-construction Notification, Stream and Wetland Mitigation Plans.

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

E-Signed by McEwen Engineering
VERIFY authenticity with ApproveIt 


, Date: 06/07/13

If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601

897-0508
401
WQ
WQC-1
401 application

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

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- 1. Applicant Name:** ICG Hazard, LLC
Mailing Address: 1021 Tori Drive
Hazard, KY 41701
Contact Person: Don Gibson
Telephone No: (606) 435-7722 ext.
E Mail Address: dgibson@intlcoal.com
- 2. Consultant Name & Address:** Summit Engineering, Inc.
131 Summit Drive
Pikeville, KY 41501
Kari Haas, Environmental Scientist
Telephone No.: (606) 432-1447 ext. 311
E Mail Address: khaas@summit-engr.com

3. Provide a brief description of the proposed activity and stream impact.

ICG proposes to develop a surface mining operation along tributaries of Jake Campbell Branch and tributaries of Sam Campbell Branch in Perry County, Kentucky. Jake Campbell Branch and Sam Campbell Branch are both tributaries of the North Fork Kentucky River a tributary of the Kentucky River. ICG proposes to recover approximately 6.01 million tons of the Hazard 5A, Hazard 7, Hazard 8, Hazard 9, and Hazard 10 coal reserves within the project area. The life of the mine is estimated to be 5 years. The proposed mining operation is being permitted under KDNR Permit No. 897-0508.

The activities associated with this operation include mining through jurisdictional waters, the construction of one hollow fill (HF 1), and a pond maintenance area in association with an existing pond (Pond SS-1). Based upon an approved USACE jurisdictional determination Pond SS-1 and drainage corridor (DC-1) are existing and previously provided sediment and drainage control. In accordance with EPA's March 1, 2006 letter to the Assistant Secretary of the Army (Civil Works), the drainage corridor in association with Pond SS-1 is part of an existing waste treatment system, and does not require authorization for use. The use of this existing pond and upstream area reduces impacts to jurisdictional waters and facilitates compliance with Clean Water Act requirements.

In order to mitigate for permanent impacts associated with the proposed project, ICG will restore temporarily impacted jurisdictional waters in the location of the pond area and pay in-lieu fees to the Kentucky Stream Restoration and Enhancement Fund.

4. Project Location Information:

County: Perry

USGS Quadrangle Name: Krypton

Nearest Community & Road Intersection: Intersection of KY 15 and Sam Campbell Branch Road

Latitude: 37-18-56 Longitude: 83-15-21 (Approximate center of the project area)

5. List the names of all streams affected by the proposed project:

Unnamed tributaries of Sam Campbell Branch
Unnamed tributaries of Jake Campbell Branch
Jake Campbell Branch

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

Hollow Fill 1- 162.5 acres

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

HF 1 2,140 Intermittent
820 Ephemeral

Pond Maintenance Area 138 Intermittent
245 Ephemeral

Mine Thru Impacts- 2nd Right of Jake Campbell Branch 235 Ephemeral

Mine Thru Impacts- 3rd Right of Jake Campbell Branch 158 Ephemeral

Mine Thru Impacts- 1st Right of Sam Campbell Branch 350 Ephemeral

8. Provide the acreage of wetlands that would be impacted: 0.0

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From the intersection of Sam Campbell Branch and KY 15, turn onto Sam Campbell Branch and travel approximately 3.0 miles onto the project site.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project?

Yes ☒ No ☐ If yes, indicate type of application:

NW 12 ☐ NW 14 ☐ NW 21 ☐ NW 27 ☐ NW 49 ☒
NW 50 ☐ Individual ☐ Other ☐

11. Provide the following permit numbers associated with this mining activity:

SMCRA Permit No.: 897-0508

KPDES No.: Pending

12. The following attachments must be provided:

- A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- A 7.5 minute topographic map delineating the proposed project area.
- A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:



If signed by applicant's agent, attach power of attorney _____, Date: 5/17/11

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601